

CAMPAIGN SPENDING COMMISSION

STATE OF HAWAII

In Re the Matter of)	CA 04-05
)	
ARCHITECTURE PLUS, INC. and)	
Gary K. Kawakami,)	
)	
Respondents.)	
_____)	

CONCILIATION AGREEMENT

On or around September 2003, Robert Y. Watada, Executive Director for the Campaign Spending Commission ("Commission"), initiated an investigation of Respondents, Architecture Plus, Inc. and Gary K. Kawakami ("Architecture"). Business Registration Division records list Architecture's president and sole officer as Gary K. Kawakami, whose business purpose is the sale of design services and products, which include architectural consulting, interior design, planning, graphic design and industrial design services. Architecture's business address is 1188 Bishop Street, Suite 2311, Honolulu, Hawaii. The investigation was initiated pursuant to the express authority of section 11-193, Hawaii Revised Statutes ("HRS"), for a determination of whether the campaign spending law had been violated and a complaint would be submitted to the Commission.

NOW, THEREFORE, Architecture and the Commission, having entered into conciliation and pursuant to section 11-216(g), HRS, do hereby agree as follows:

- I. That the Commission has jurisdiction over Respondents and the subject matter of this administrative action.

- II. That this Conciliation Agreement ("Agreement") and upon complete performance of the conditions stated herein has the effect of remedial or corrective action taken by Respondents pursuant to section 11-216(g), HRS.
- III. That Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.
- IV. That Respondents waive the right to be heard at a public hearing conducted under chapter 91, HRS, pursuant to section 11-228(b), HRS.
- V. That Respondents enter into this Agreement with the Commission on their own volition and with full knowledge and understanding.
- VI. That parties agree to the pertinent facts as follows:
 1. On or around September 2003, Robert Y. Watada, in his capacity as Executive Director of the Campaign Spending Commission, and upon information received through the disclosure statements of the campaign committee of candidate Ben Cayetano ("Cayetano"), initiated an investigation involving excess contributions in violation of particular campaign finance statutes.
 2. Section 11-202, HRS reads in part as follows: No person shall make a contribution of the person's own money or property, or money or property of another person to any candidate, party, or committee in connection with a nomination for election, or election, in any name other than the true name of the person who owns the money or who supplies the money or property.

3. The Commission finds that contributions made by Architecture and family members to other candidates include Jeremy Harris (\$2,000), Linda Lingle (\$2,000) and Mazie Hirono (\$6,500).
4. The Commission finds that contributions made by Architecture and family members to Cayetano amounted to \$11,750 from 1996 to 1998.
5. The Commission finds that Architecture made a \$2,000 contribution to Cayetano in the name of another.
6. That Architecture did not file an organizational report pursuant to section 11-194, HRS.
7. That Architecture did not file disclosure reports pursuant to sections 11-212 and 11-213, HRS.

VII. Settlement Terms

As final settlement of the matter and issues in Conciliation Agreement #04-05, Architecture understands and agrees to the following:

- (A) Architecture agrees to an assessment of **One Thousand Dollars (\$1,000)** pursuant to section 11-228, HRS.
 - (1) For violation of section 11-202, HRS, making a false name campaign contribution to the Cayetano campaign committee; and
 - (2) For failure to file an organizational report and required disclosure reports pursuant to sections 11-194, 11-212 and 11-213, HRS.

(B) Architecture agrees to comply with campaign finance statutes on contributions and expenditures to candidate committees.

(C) Terms of payment of the assessment shall be by Order of the Commission.

VIII. The Commission upon its own motion or a written request of anyone filing a complaint under section 11-216, HRS, may review compliance with the Agreement. If the Commission believes that the Agreement has been violated, it may institute administrative proceedings or a civil action in the Circuit Court of the First Circuit pursuant to section 11-228(c), HRS.

IX. This Agreement shall become effective as of the date that all parties have signed and the Commission has approved the entire Agreement.

X. This Agreement constitutes the entire agreement between the Commission and Architecture on the matters raised herein, and no other statement, promise, or agreement, either in writing or oral, not contained in this Agreement made by either party or by agents of either party shall be enforceable.

XI. This Agreement, unless violated, shall be a complete bar to any further action by the Commission with respect to the violations at issue in this matter.

CA 04-05
Architecture Plus, Inc. and
Gary K. Kawakami

FOR THE COMMISSION:

Robert Y. Watada, Executive Director

By: _____

Date: _____

FOR THE RESPONDENT(S)

Gary K. Kawakami

By: _____

(Name)

(Title)

Date: _____